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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01835(E)
1801835

Please recycle

INDIA: Mere legislation against custodial torture will not end the practice

The Government of India has once again started discussing about coming up with a national legislation to criminalise the practice of custodial torture and ill treatment. The Asian Legal Resource Centre (ALRC) welcomes this move. However, the ALRC is concerned that despite the repeated assurances, nothing much has happened to table the new law in the parliament. In fact, the Union Government is not even engaged in open discussions with the civil society about the new law.

India underwent a similar exercise 6 years ago, when a national legislation was tabled in both houses of the Indian parliament. On that occasion, while the lower house of the parliament passed the law, the upper house constituted a parliamentary select committee that studied the law in detail and suggested amendments to the text of the law that the law to incorporate those essential amendments had to be completely redrafted. It did not happen however, and it has lapsed.

Having a specific legislation against torture and ill treatment is only one of the essential requirements to stem this evil. Torture and ill treatment is not just the result of inhuman policing. It is also the direct result of the policing policies, priorities and the overall environment within which a police officer is required to carryout responsibilities.

Indian police is one of the several state institutions that have never been reviewed to restructure the institution to be capable of undertaking the responsibilities in the manner it is expected of a civilian institution that is central to the realisation of democracy. This means the guiding principles behind the policing policy in the country still remains as it was introduced into India, based on the Irish Constabulary Model. That there is an ocean of difference between the London Metropolitan Model of policing and the Irish Constabulary Model is not known even among senior police officers.

This is one of the reasons why providing facilities to the police, to undertake scientific crime investigation are grossly inadequate in India. For all practical purposes a crime investigation in India begins and ends with the confession of a person in custody. Police lack even basic facilities and training to undertake modern crime investigation and therefore depends on testimonies of persons. Testimonies are often forthcoming when use of force and intimidation are involved, which often leads to the practice of torture in custody. Besides the poor understanding of law, particularly regarding criminal procedures, among senior police officers worsens the situation.

Not many police stations in India have a forensic kit or those having one, do not have adequate training to use such a kit. Therefore, one of the first "professional" who contaminate a crime scene is police officer who visit a crime scene. Once the crime scene is contaminated and evidences damaged, the police could only depend upon oral testimonies of witnesses, and ideally the suspect. This is the reason why not only suspects, but witnesses are also victims of torture.

The list of challenges that the Indian police face is long and shameful for a country that calls itself a modern democracy. Police stations that do not even have proper buildings, communication facilities, vehicles, office furniture, or even paper to record complaints are not rare in the country. Such lacking in facilities not only affects police morale, but also nurtures corruption.

Indian police is today a deeply demoralised institution. No Union or State (provincial) governments in India have ever publically stated that police modernisation as one of their projected goals. No Union Government has published its policing policy in India so far. In fact having no policing policy is India's national policy on policing.

The ALRC therefore is of the opinion that a mere legislation in India to criminalise the currently endemic practice of torture and ill treatment will not be able to address the problem. What is required is for the national and state governments in India to also simultaneously address the operational challenges faced by police.

The ALRC therefore urge the UN Human Rights Council to engage with the Government of India to ensure that no effort is spared in modernising the Indian police, failing which the practice of torture and ill treatment will continue in India.

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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

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1801836

Please recycle

INDONESIA: Minority Groups Freedom of Religion and Beliefs Remain on Paper

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) about the on-going problems of freedom of religion and beliefs in Indonesia. So far the Government has failed to settle the old problems of religious conflict; therefore the same patterns still recur. These problems are twofold: #1 banning the establishment of places of worship by anti-tolerant groups and # 2 persecution of minority groups such as Ahmadiyya and Shi'a, up until today. The problem of Internally Displaced Persons (IDPs) of Shi'a and Ahmadiyya in Lombok and Sidoardjo remains unresolved. They cannot go back to their home towns due to no security guarantee for them. For more than five years, Shi'a congregations remain in the same modest apartment managed by the East Java administration in Sidoarho. Even after this long period of time has passed, the Shi'a congregations are made to not feel at home.

According to the latest update received, the situation faced by the Shi'a congregation in Sidoardjo is that they have not received any response from the Government. It concerns their remaining properties such as houses and lands in their hometown. In addition, the Government has stopped funding education for Shi'a children who live in a modest apartment in Sidoardjo. This means that the members of the Shi'a congregation who do not have permanent jobs have to finance their children's schooling expenses themselves

Now, let us look at matters relating to health insurance. The Government has provided health insurance for only 45 Shi'a congregations out of a total 342 congregations. There have been no Government efforts to find an economic solution for the Shi'a refugees. The Government is also reluctant to touch and resolve the main problem faced by the Shi'a. Seemingly, six years ago they were attacked and forcibly evicted from their hometown in Sampang Madure Island by anti-tolerant groups. Furthermore, the Government is also averse to discussing and using Conflict Resolution to solve the matter peacefully. There has been massive pressure from civil society groups to solve the matter through a conflict resolution mechanism. The Government provides little economic means for them amounting to merely IDR 709,000 monthly for living expenses, including education. This amount is too small and not sufficient to cover their total living expenses. Instead of finding a way to bring them back to their original home towns, the Local Government of East Java Province prefers to relocate them. This new place is far from their previous homes and significantly far from their previous culturally historic life in Sampang, where most of them were born and grew up.

We turn now to another religious minority group from 2008 until 2018. Ahmadiyya congregations remain in a Wisma Transito transit house, in Mataram, Lombok, West Nusa Tenggara Province. In total, 116 households live in the temporary facility, facing an uncertain future. They encounter difficulties returning home as there is no security guarantee from the Government. Another Ahmadiyya case is from 2011. This Ahmadiyya congregation was prohibited from using the Al Hidayah Mosque in Depok, West Java Province for worship. Despite the fact that the Mosque has an Official Building Permit (IMB) issued by the Government, they still are not allowed to use the Mosque for prayer. Still in West Java Province, particularly in the Kuningan Regency, the Ahmadiyya congregation faced more serious discrimination. They cannot marry! It appears that the Religious Affairs Office (KUA) refused to note and issue a Marriage Certificate (official Marriage Book). In essence it means that the Government does not recognize them as citizens of Indonesia, with all that this implies.

Minority religious groups still face uncertain law enforcement resulting from many local regulations incompatible with international human rights principles and standards. Take for example the 20 Local Regulations against freedom of religion and beliefs given out in 2016. These were mostly in the West Java Province issued in the Bekasi Regency, Bogor, Bandung city Tasikmalaya city, Cianjur and Kuningan. In 2017, regulations against freedom of religions have increased to 46 Local Regulations issued by the same places in the West Java Province. This goes against President Joko Widodo's 2016 order to evaluate or annul local regulations as needed. Unfortunately, his order only related to investment and economic development.

In terms of prohibition of places for worship, two significant examples emerge from the year 2012. #1 The congregation of Yasmin church (GKI Yasmin) in Bogor and #2 Filadelfia church (HKBP Filadelfia) in Bekasi are prohibited from using their churches for worship services. For Christians to celebrate Christmas they had to organize worship in front of the Presidential Palace because there is no security guarantee from the Government for their respective churches. Anti-tolerant groups blocked the churches, prohibiting members from entering. It meant nothing that both churches had official Government Building Permits (IMB). Churches were sealed off and the congregational members prohibited entrance. This problem has continued for many years. There have been only half-hearted efforts made by local and central governments to deal with the situation.

Considering the above matters and the unchanged, long-standing situation faced by minority religious groups in Indonesia, the ALRC urges the Government to:

a. Prioritize settlement of religious conflicts and persecution against minority religious groups.
b. Ensure protection and law enforcement to prosecute anti-tolerant groups who violate the Rule of Law.
c. Stop any form of persecution, discrimination and harassment against minority religions and belief groups.
d. Enable minority religions and belief groups to enjoy worship in their respective places of worship.
e. Stop prohibition and illegal sealing-off of houses of worship belonging to minority groups such as the Yasmin and the Filadelfia churches as well as Ahmadiyya Mosque.
f. Pressure the responsible Government personnel to officially invite the UN Special Rappertour to witness first-hand the grass roots situations of religious minority and belief groups in Indonesia.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Associazione Comunità Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Celebrating the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action: a call to preserve the universality of Human Rights.

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the High-Level panel discussion on the 70th anniversary of the Universal Declaration of Human Rights, and the 25th anniversary of the Vienna Declaration and Programme of Action.

The 1948 Universal Declaration of Human Rights was written and adopted following World War II and the full realization by the international community of the Holocaust and the monstrous crimes against humanity that were perpetrated at that time. Being adopted by the General Assembly "as a common standard of achievement for all peoples and all nations", it represents an ethical consensus on the rights to which all human beings are entitled and on the obligations of governments to ensure that these rights would be respected.

The Declaration gives a vision of and desire for a future world of peace and freedoms and stands firmly for human dignity, liberty, equality, and non-discrimination.
With no dissenting votes, the member states, coming from all regions, affirmed the inherent dignity of the human being, the rule of law over the rule of force, and placed the well being of the individual at the centre of international law.
This historic document has inspired international treaties and conventions such as the ICCPR1 and ICESCR2, which have acquired increasing authority through incorporation into national legal systems, and continues to be the foundation for the development of other international legal instruments.

The Vienna Declaration and Programme of Action adopted by consensus at the World Conference on Human Rights, on June 25, 1993, reaffirmed the principle of the universality of human rights by saying that "all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis".3
Moreover, the declaration forged a consensus on the Right to Development – for the first time – as a universal and inalienable human right and an integral part of all human rights.

Since the adoption of these two fundamental declarations, there has been tremendous progress in the field of human rights throughout the world.
However, we must recognise that there is a great gap between the universal human rights standards of the Universal Declaration as well as subsequent legal instruments on the one hand, and their implementation on the other hand.

We are living in times of rising populism, racism and xenophobia fuelled by fear and a sense of insecurity; we live in times of raising conflicts and threats of a nuclear war.
Human rights are more often violated than respected and those violations are frequently justified in a manner contrary to the basic principles of the Declaration and of international human rights law.

Today, many fundamental rights continue being violated everywhere, starting from the right to life, including the right to life of the unborn child, the right to liberty and personal security, the right to freedom of association and assembly,

1 UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

2 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993

3 UN General Assembly, Vienna Declaration and Programme of Action, 12 July 1993, A/CONF.157/23

the right to freedom of thought, conscience and religion. Moreover, millions of people are still denied their economic, social and cultural rights such as, inter alia, the rights to health, food, decent work, water and sanitation and adequate housing.
We are living in times of increased migratory flux, where the human rights of migrants are very often violated; in times where there is an increase in the number of internally displaced persons because of conflicts, climate change and famine; we are living in times where the phenomenon of human trafficking with new forms of slavery creates more and more victims, in times where we assist to the shrinking of the civil society space at the UN and a resurging of reprisals against human rights defenders.
Furthermore, after 30 years from the adoption of the Declaration on Right to Development, the peoples of the world are still waiting for the implementation of this fundamental right.

On the other hand, we are living in times of great opportunities for the international community to reaffirm the vision of the UDHR and of the Vienna Declaration because of the adoption in 2015 of the 2030 Sustainable Development Agenda and the current debate to reach a consensus in the formulation of the two global compacts, the one on Safe, Regular and Orderly Migration and the one on Refugees.
Furthermore, on 19 December 2016 the General Assembly adopted the declaration on the right to peace4 scoring another important step for the progress of the human family towards the awareness that human rights, development and peace are strictly linked and mutually reinforcing.

We share the concern of Pope Francis that recently said in his address to the Diplomats5 "…It should be noted, however, that over the years, particularly in the wake of the social upheaval of the 1960's, the interpretation of some rights has progressively changed, with the inclusion of a number of "new rights" that not infrequently conflict with one another. This has not always helped the promotion of friendly relations between nations, since debatable notions of human rights have been advanced that are at odds with the culture of many countries; the latter feel that they are not respected in their social and cultural traditions, and instead neglected with regard to the real needs they have to face. Somewhat paradoxically, there is a risk that, in the very name of human rights, we will see the rise of modern forms of ideological colonization by the stronger and the wealthier, to the detriment of the poorer and the most vulnerable. At the same time, it should be recalled that the traditions of individual peoples cannot be invoked as a pretext for disregarding the due respect for the fundamental rights proclaimed by the Universal Declaration of Human Rights."

Indeed, there is a risk of selectivity of human rights by some countries in name of a strenuous defence of traditions that are not respectful of them, and by other countries, especially the Western and wealthier ones, in name of the current culture that exacerbates individualism. A clear example of this is the actual polarised and politicised debate in the Human Rights Council on some critical issues such as the protection of the family, a concept clearly stated in the Universal Declaration on Human Rights6, on the new debated notion of gender, on the advancement of the so called "sexual reproductive rights" that may conflict with other rights or in the politicisation of the implementation of the right to development.

The 70th anniversary of UDHR provides the opportunity to "ask not only how the Universal Declaration of Human Rights can protect our rights, but how we can suitably protect the Declaration".7 The first way to protect the Declaration is by no casting doubt on the universality, or even existence, of certain basic principles since it would be equivalent to undermining the whole edifice of human rights.

The UDHR states in article 28 that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". This article is a clear call for social justice in the world.

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4 General Assembly resolution, 71/189, Declaration on the Right to Peace, A/RES/71/189 (19 December 2016)

5 Address of His Holiness Pope Francis to the Mebers of the iplomatic Corps accredited to the Holy See for the traditional exchange of New Year greetings, 8 January 2018

6 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), article 16 (3)

7 Quote from the address of Mr Kofi Annan to the Human Rights Commission, Geneva, 23 March 1998

Furthermore, the Declaration says that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.
Consequently, freedom, justice and peace would be possible only if the peoples of the world and nations recognise, first of all, the notion of being a human family and act towards one another in a spirit of brotherhood.8

The Vienna Declaration affirms in its preamble that member states are "determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity".

APG23 is convinced that a crucial new step to honour the spirit of the UDHR and advance the respect of all human rights is to develop the principle of solidarity into the right to international solidarity, a right that is very much needed nowadays for the safeguard of the human dignity and the respect of the principle of equality.
In this regard, we welcome the draft declaration on the right to international solidarity9, and hope that it will be soon adopted by the General Assembly.
The recognition of the right to international solidarity will be a litmus test of fraternity and solidarity among the family of nations over and above any political divisions or geographical borders. It would represent a new instrument to face the complexity of global problems, to preserve the universality of the human rights as well as the unity of the system, and to improve the implementation of all the other human rights.

As the years pass, let us make sure that the UDHR is not just a monument to be admired or document to be archived but rather the foundation pillar upon which human rights law and instruments should be further developed!

8 UN General Assembly, Universal Declaration of Human Rights, article 1
9 A/HRC/35/35

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Please recycle

INDONESIA: Neither recognition nor protection for Human Rights Defenders

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) regarding the situation of Human Rights Defenders in Indonesia (HRD). Defenders are still targeted for human rights violations in various patterns and forms. ALRC'S sister organization, the Asian Human Rights Commission (AHRC), notes and reports that human rights violations mostly targeted HRD'S who advocate environment, land rights and anti-corruption cases. We do believe that massive human rights violations in the area of environment and land are due to Government policy, under President Joko Widodo's administration. He prefers to feature infrastructure development in order to boost economic development. The Government believes that by developing massive public infrastructures such as roads, airports, they will attract more international investment to Indonesia.

Up until now, Indonesia has yet to formally recognize the existence of Human Rights Defenders. But, Indonesia does have a National Law which specifically protects environmental activists. Law No. 32, 1999 on Environmental Protection Article 66, quotes "Everybody struggling for a right to proper and healthy environment may not be charged with criminal or civil offenses." However, in fact, environment activists still become targets of various forms and patterns of human rights violations, *inter alia*, fabricated cases, murder, arbitrary arrest, detention and torture.

Take for example the case that took place in 2017. It was a fabricated case against Mr. Budi Setiawan alias Budi Pego, an environmental activist. He led a massive protest against the mining operation in Tumpang Pitu, Banyuwangi Regency, East Java Province. The Police accused him of erecting and circulating a Communist logo on a banner written to reject the mining in Tumpang Pitu. Expansion of extractive industry along East Java's south coast has significantly increased social and ecological crises. Look at the example in 2012 of Tumpang Pitu, mining operations conducted by Bumi Suksesindo Company (PT. Bumi Suksesindo/PT BSI) and Damai Suksesindo Company/PT. Damai Suksesindo/PT DSI). A similar case also occurred in June 2017. Mr. Arifin Wardiyanto, an independent environmental activist in Yogyakarta Province, was brutally attacked in his own home. This assault was due to his advocacy efforts to preserve the environment in the Merapi mountains from illegal mining operations.

Besides human rights violations against environmental activists, we also documented and reported on the brutal attack against Mr. Sukma Hidayat (38), an-anti corruption activist, in Palembang, South Sumatera Province. Sukma and his wife were attacked with acid after he requested the Corruption Eradication Commission (KPK) to take on a corruption case from the Attorney General. Despite Sukma's report to the Police, no progress has been made up to now.

We note that the Government has failed to ensure protection for Human Rights Defenders in Indonesia. So far, the Parliament has excluded Bills for Human Rights Defenders Protection. The Government has not developed a legal basis in which to protect HRD'S and has not formally recognized the existence of the HRD'S in Indonesia. President Joko Widodo's Administration does not have a priority policy for HRDs. During the past ten years, the Bill on the protection of HRD'S was discussed, but the Parliament was reluctant to enact the Bill. On the contrary, protection for HRD'S was merely adopted by the National Commission on Human Rights (Komnas HAM) to be desk HRD'S with their main function to monitor human rights violations against HRD'S.

National Police and Civil Service Police Unit (Satpol PP) also committed forced dissolutions. They brutally attacked local environmental activists and students who advocated land confiscation in Kulon Progo, Special Region of Yogyakarta Province (DIY). As a Law Enforcement Agency, the Police prefer to use violence rather than communication with local residents to find peaceful solutions. The police are independent, having been separated from the Military since 2002. But they have not changed their paradigm, preferring violence in dealing with the public.

A lack of informed law enforcement personnel is still a problem in Indonesia. It is the result of light punishments and impunity. Courts merely prosecute the lower ranks, while the Law Enforcement Agencies fail to prosecute the intellectual actors behind the scenes. So far there is no best practice related to law enforcement in cases of human rights

violations against HRD'S. An example is the murder case of Mr. Jopi Teguh Lasmana Peranginangin (39). On 11 April 2016, Military Judges of the Military Court II 08 Jakarta, convicted Private-in-Charge (Praka) Joko Lestanto, a member of the Marine Corps' Amphibious Reconnaissance Battalion (Yon Thaifib Marinir TNI AL), to two years in prison and dishonorable discharge from the Navy. There has been no further investigation. This, despite many witnesses having stated that more than four people (not in uniform) attacked Jopi. The investigation resulted in only one Navy personnel being charged.

This judgment has proven that law enforcement in Indonesia has failed to ensure protection for HRD'S. They remain in an uncertain situation. There is no recognition from the State. They are at high risk. They are targets of various human rights violations due to their advocacy efforts to save the environment, traditional indigenous people's land, anti-corruption cases, and the like. Light punishments prove that the criminal justice system has been unsuccessful in developing a better, disciplined standard and legal precedence to enhance accountability of Law Enforcement Agencies in Indonesia. Therefore, automatically, due to no best practice or improved legal precedence, there is no deterrent effect. The same cases constantly recur.

We do believe that the above-mentioned case examples are more than enough to describe the real situation of human rights defenders in Indonesia. These circumstances explain that President Joko Widodo has failed to ensure that the State is present to protect all its citizens, as stated in the President's mission and vision statements.

Considering the lack of protection of minority religions and beliefs in Indonesia, together with repetitive persecution against them , we respectfully request the HRC to:

a. Urge the Government to ensure protection for Human Rights Defenders and conduct law enforcement against whomever has committed human rights violations against HRD'S, in particular those who work for land reform, anti-corruption and the environment;
b. Urge the Government to develop policies and regulations that enhance the protection of Human Rights Defenders;
c. Use your influence with the Government so they officially invite the UN Special Rappertour to see first-hand the grass roots situation of human rights defenders in Indonesia.

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Universal periodic review

Written statement* submitted by Associazione Comunità Papa Giovanni XXIII, a non-governmental organization in special consultative status

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1801840

Please recycle

On UPR outcomes of Zambia

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the report of the Working Group on the Universal Periodic Review of Zambia and commends the Government of Zambia for its constructive participation in the third cycle of the UPR process.

APG23 has been in Zambia since 1985, and runs diverse and wide-ranging development projects and initiatives for the promotion and protection of the human rights of children and vulnerable people, including persons with disabilities. Our programmes also focus on the right to food and adequate nutrition and the right to an inclusive education.

Concerning the right to food and adequate nutrition, APG23 welcomes the efforts of the Government in this field through Vision 2030 under which Zambia committed, amongst other things, to advocate for, and develop towards, the ambitious target of 'a well-nourished and healthy population by 2030'[1]. We also acknowledge the increase in the social security budget from 2.4% to 4.2% in 2017, the aim to increase the number of beneficiaries of the Food Security Pack (FSP) from 40,000 in 2017 to 80,000 in 2018 to support viable farmers, and the beneficiary households of the programme of Social Cash Transfer up to 700,000 in 2018[2]. We also welcome the commitment of the Government to combating malnutrition amongst vulnerable pupils through the Home Grown School Feeding programme, which aims to reach 2 million primary-school learners by 2020[3].
Finally, we welcome Zambia's decision to accept the recommendation proposed during the 28th session of the UPR to combat malnutrition. That being said, we regret that the efforts made until now have not been sufficient to reach the desired result of reducing the country's high levels of malnutrition. Indeed, malnutrition is the cause of 52% of deaths in children under five, 40% of children are affected by stunting, 15% are underweight and 6% suffer from wasting. Furthermore, the funding allocated to combat these problems remains insufficient. The Project Supplementary feeding programs are not widely available and most areas are not covered by nutrition specific interventions targeting acute malnutrition and the programme of food distribution to chronically ill people is similarly limited. In light of this, we would like to propose a few recommendations to help guarantee the full realization of the right to food and adequate nutrition. First, we urge the Government to increase their funding to achieve the nutrition goals in line with their national and international commitments; to strengthen nutrition education in schools of all levels and, finally, we suggest an increase in the taxation on the mining sector to obtain new revenue to be allocated to the fight against poverty and to meet national nutrition needs.

Concerning the right to education, APG23 expresses its appreciation to the Zambian Government for its commitment to providing universal access to education. In particular, we welcome the Education For All National Initiative and the commitment to achieve universal primary education by 2015.[4] Yet APG23 is still concerned that some practical obstacles are preventing the achievement of universal access to education. The limited school places available do not meet the learning needs of the predominantly young population of Zambia. Moreover, the budget allocations to education are insufficient, there is a shortage of school facilities, and those that do exist are often inadequate. For instance, maintenance work and renovations are carried out at the expenses of students and their families, and school supplies and educational material are not always provided.

Against this backdrop, APG23 warmly welcomes that the Zambian Government has accepted the set of recommendations proposed during the 28th session of the UPR concerning universal access to education, equal learning opportunities and affordable, quality education. Nevertheless, we would like to propose some specific recommendations

[1] http://unpan1.un.org/intradoc/groups/public/documents/cpsi/unpan040333.pdf
[2] 2018 Budget Address by Honourable Felix C. Mutati, MP Minister of Finance Delivered to the National Assembly on Friday, 29th September, 2017
[3] http://www.parliament.gov.zm/sites/default/files/images/publication_docs/2018%20Budget.pdf
[4] Education For All National Initiative aims at reducing illiteracy and guaranteeing primary education to all school-aged children. Since 2002, when the government announced the Free Primary Education (FPE) Policy, the country registered over 1.2 million more learners, increasing Zambia's net enrolment from 71 per cent in 1999 to over 97 per cent in 2013, but the goal of universal primary education is not yet achieved.

in order to make the right to education more effective. First of all, APG23 calls upon Zambia to allocate the necessary resources to provide textbooks and other facilities to all students. We also encourage the Government to build new classrooms and recruit more teachers to meet the learning needs of its young population. In addition, APG23 invites the Zambian authorities to establish a national schools mapping mechanism for planning substantial renovations in order to upgrade the conditions of education facilities.

As far as people with disabilities and their rights are concerned, APG23 commends the progress made by the Zambian Government in this field. In particular, we note with appreciation that Zambia has ratified the Convention on the Rights of Persons with Disabilities and has passed the Persons with Disabilities Act.[5] APG23 also recognizes Zambia's efforts to improve the protection framework for people with disabilities and to achieve their full participation, equality and empowerment.[6] However, there is still a rather disheartening situation regarding the social and/or labour inclusion of people with disabilities and further steps ought to be taken to ensure that people with disabilities can fully enjoy their rights.

Concerning education, although the Persons with Disabilities Act provides for their inclusive education at all levels, persons with disabilities are usually excluded from the education system or face major challenges in enjoying their right to education. Among other reasons, this is due to the fact that there are few specialized instructors or teachers and education facilities cannot adequately accommodate the needs of disabled students. People with intellectual disabilities deserve special attention. Indeed, considered not to be trainable, they are denied education on the basis of resources constraints or are placed in special schools, thus hindering their social inclusion. Moreover, as pointed out by the Special Rapporteur on the rights of people with disabilities on her mission to Zambia, individuals with intellectual disabilities are not adequately safeguarded and have no legal capacity to act; they are the most vulnerable among the vulnerable.[7]

Taking into account the situation described above, APG23 commends Zambia for having accepted the recommendations calling for improvements in the situation of people with disabilities and guaranteeing their rights.
We would also like to make further recommendations to ensure that the rights of people with disabilities are respected, protected and fulfilled. Firstly, APG23 urges Zambia to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities. Moreover, APG23 recommends the creation of more centres offering training and socialization opportunities to people with disabilities as well as adequate and comprehensive community-based services in order to guarantee their inclusion empower them and relieve their families.
In addition, we suggest a mapping exercise of existing centres in order to sustain and develop the private social sector working in this area and develop an effective partnership. Finally, APG23 calls for national awareness-raising programs for the integration of intellectually disabled people in social life, work and school, with a special focus on rural activities.
With reference to education, APG23 encourages the Zambian authorities to develop clear and well coordinated policies for the inclusive education of children with disabilities as well as to train more specialized teachers and to provide mandatory training for all teachers on disabled children's inclusion.
Finally, APG23 recommends the involvement of disabled pupils' parents and community in school activities to share their expertise.

In conclusion, we would like to encourage the Zambian authorities to ensure the effective implementation of the UPR recommendations through the establishment of a permanent governmental mechanism to liaise with the relevant

[5] The Disability Act, available at http://www.parliament.gov.zm/node/3123, provides that Ministries shall come up with rules and guidelines to ensure that persons with disabilities are not excluded from the general education system on the ground of their disability.

[6] See the adoption of the Zambia Decent Work Country Programme (2013-2016), available at http://www.ilo.org/public/english/bureau/program/dwcp/download/zambia.pdf , and the 6th National Development Plan (SNDP) from 2011 to 2015, available in link at: http://theredddesk.org/countries/plans/sixth-nationaldevelopment-plan-2011- 2015-zambia. More support is provided to disabled people through increased public spending on disability; develop policies to encourage inclusiveness; reviewing existing legislation; and establishing or strengthening the institutions and the systems that cater to people with disabilities.

[7] UN Human Rights Council, Report of the Special Rapporteur on the rights of persons with disabilities on her visit to Zambia, 19 December 2016, A/HRC/34/58/Add.2, available at: http://www.refworld.org/docid/58b00b5c21.html

ministries and consult with civil society, National Human Rights Institutions and all relevant stakeholders. Furthermore, we demand that they make further funding available, take measures against corruption and enhance the transparency and accountability of the budget in order to reduce unplanned expenditures.